



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

OFFICE OF THE CHIEF COUNSEL

August 4, 2010

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UIL: 36.00-00

Dear _____ :

This letter responds to your letter dated March 11, 2009, to President Barack Obama about your eligibility for the first-time homebuyer credit for a home purchased on _____. On June 29, 2010, the Department of Housing and Urban Development, to which the White House had forwarded your letter for response, asked the Internal Revenue Service to reply to you. You asked why the first-time homebuyer credit for 2008 applies to purchases made on or after April 9, 2008, and whether the credit may be applied retroactively to the period between January 1, 2008, and April 8, 2008.

Generally, section 36 of the Internal Revenue Code provides a credit for a first-time homebuyer of a principal residence purchased on or after April 9, 2008, and before May 1, 2010. The statutory effective date is specific, and the statute provides no administrative exceptions. The Internal Revenue Service has no authority to modify the effective date or allow the credit retroactively. Any change to the law would require legislative action by the Congress.

I hope this information is helpful. If you have any questions, please contact
, Identification Number , at .

Sincerely,

William A. Jackson
Chief, Branch 5
Office of Associate Chief Counsel
(Income Tax & Accounting)